

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



August 12, 2004

CSSIN LETTER: 04-16

ALL IV-D DIRECTORS
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL BOARDS OF SUPERVISORS

SUBJECT: FEDERAL OFFICE OF CHILD SUPPORT ENFORCEMENT ISSUES
GUIDANCE ON MEDICAL SUPPORT ENFORCEMENT UNDER THE
HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

REFERENCE: POLICY INTERPRETATION QUESTION (PIQ) 04-03

The purpose of this letter is to inform you that the federal Office of Child Support Enforcement (OCSE) recently released PIQ-04-03 to provide guidance regarding the above subject matter. The PIQ is in response to concerns expressed by states, employers, and health insurance plan administrators about the privacy provisions under the Health Insurance Portability and Accountability Act (HIPAA). Specifically, the question is "May a health plan disclose protected health information to a State child support enforcement (IV-D) agency in response to a National Medical Support Notice (NMSN)?"

The PIQ states that the Privacy Rule under HIPAA permits a health plan to respond to a IV-D agency's request for information pursuant to an NMSN. An NMSN sent by the IV-D agency to the employer and health plan would constitute a written administrative request by a law enforcement official. An employee of a IV-D agency who is acting, in accordance with state or federal law to enforce a medical child support order meets the definition of a law enforcement official. The Privacy Rule permits disclosure of protected health information to a "law enforcement official" for law enforcement purposes. A "law enforcement official" is defined at 45 CFR 164.501.

Further, the PIQ clarifies that the health plan may rely on the NMSN as a request from a public official for the minimum information needed to meet the purpose of the law enforcement request. The information that appears on this nationally-uniform form

Reason for this Transmittal

- ☐ State Law or Regulation Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Change
- ☐ Clarification requested by One or More Counties
- ☒ Initiated by DCSS

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would be sufficient to satisfy the requirements of health plans to verify the identity and authority of public officials seeking protected health information who are not known to the covered entity.

We anticipate that OCSE will post PIQ-04-03 on their website in the near future. The OCSE website for the PIQ letters is:

<http://www.acf.hhs.gov/programs/cse/pol/2004-piq.htm>

Additional information on HIPAA is available on the United States Department of Health and Human Services, Office of Civil Rights website:

<http://www.hhs.gov/ocr/hipaa>

If you have any questions or concerns regarding this matter, please contact Beth Fife, Chief of the Policy Branch, at (916) 464-5055.

Sincerely,

A handwritten signature in black ink, reading "Sandra Poole". The signature is written in a cursive, flowing style.

SANDRA O. POOLE
Deputy Director
Child Support Services Division